

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

FERRING PHARMACEUTICALS INC. and	)	
REBIOTIX INC.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
FINCH THERAPEUTICS GROUP, INC.,	)	
FINCH THERAPEUTICS, INC., and FINCH	)	
THERAPEUTICS HOLDINGS, LLC.	)	
	)	C.A. No. 21-1694-JLH
Defendants.	)	
<hr style="width: 50%; margin-left: 0;"/>		
FINCH THERAPEUTICS GROUP, INC.,	)	
FINCH THERAPEUTICS, INC., FINCH	)	
THERAPEUTICS HOLDINGS, LLC, and	)	
THE REGENTS OF THE UNIVERSITY OF	)	
MINNESOTA,	)	
	)	
Counterclaim-Plaintiffs/Reply Defendants,	)	
	)	
v.	)	
	)	
FERRING PHARMACEUTICALS INC., and	)	
REBIOTIX, INC.	)	
	)	
Counterclaim-Defendants/Reply Plaintiffs.	)	

**UMN AND FINCH'S POST-TRIAL MOTION FOR ENHANCED DAMAGES,  
ONGOING ROYALTY, AND PRE- AND POST-JUDGMENT INTEREST  
PURSUANT TO ORDER ON D.I. 490**

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Dated: September 12, 2024

*Attorneys for Defendants and Counterclaim  
Plaintiff*

Pursuant to the Court's Order on the Joint Letter (D.I. 490) setting a post-trial briefing schedule, the Regents of the University of Minnesota ("UMN") and Finch Therapeutics Group, Inc., Finch Therapeutics, Inc., and Finch Therapeutics Holdings, LLC's (collectively, "Finch") respectfully move as follows in view of the jury's verdict and Judgment Following Jury Verdict (D.I. 488):

(1) for enhanced (increased) damages of up to three times the amount found by the jury pursuant to 35 U.S.C. § 284;

(2) for imposition of an ongoing royalty, in an amount set in accordance with governing law, on infringing sales made or other infringing acts engaged in by Ferring Pharmaceuticals Inc., Rebiotix Inc., and/or anyone acting in concert with any of the foregoing through the life of the patents found willfully infringed and not invalid, and for supplemental damages on any post-verdict sales or other infringement to which an ongoing royalty is not applied, if any; and

(3) for pre- and post-judgment interest on the total amount of the judgment including on any increases requested herein or subsequently requested and awarded.<sup>1</sup>

In accordance with the schedule set forth by the parties in D.I. 490 which was so ordered by the Court on August 27, 2024, Finch will set out the full grounds for these motions in its briefing filed pursuant to that schedule.

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<sup>1</sup> For avoidance of doubt, Finch also intends to seek recovery of its attorneys' fees and costs (including pursuant to 35 U.S.C. § 285) later, in accordance with the timing set forth in the Court's entry of judgment (D.I. 488 at 3).

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Dated: September 12, 2024

/s/ Kelly E. Farnan

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